

Lightweight Aggregate Production and Air Pollution control Wastes

I. EXECUTIVE SUMMARY

This document presents EPA's rationale in withdrawing a specific waste generated in the production of lightweight aggregate from the federal Mining Waste Exclusion. This waste, which is comprised of air pollution control (APC) dust and sludge, was one of many mineral processing wastes that was made conditionally exempt from RCRA Subtitle C requirements under the Bevill Amendment. In 1990, following more detailed study of the generation rates of this waste, EPA determined that it did not qualify for the Bevill Exemption (55 FR 2340). A 1991 federal Appeals Court decision, however, requested that the Agency reexamine whether lightweight aggregate APC dust/sludge is eligible for coverage under the Mining Waste Exclusion (*Solite Corporation v. EPA* 952 F.2d 473 D.C. Cir. 1991).

The information in this document is based primarily on data collected and analyses conducted in 1989 and 1990. The major source of data used in the Agency's determination was its 1989 National Survey of Solid Wastes from Mineral Processing Facilities (SWMPF Survey). SWMPF Surveys were sent to and received from 28 lightweight aggregate facilities that the Bureau of Mines reported as actively operating at that time.

This document is organized into eight sections including this background. Section 2 briefly describes the commodity in question. Sections 3 and 4 describe the production process and the resultant waste streams, respectively. Section 5 discusses industry and market characteristics and the potential impact of EPA's decision to withdraw the Bevill Exclusion. Section 6 revisits the rationale behind EPA's decision to withdraw the Bevill Exclusion based on the high volume criterion. Section 7 summarizes and responds to Solite's arguments against EPA's high volume criterion. Finally, Section 8 presents the conclusions of the document.